

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 09-3006

JEWISH HOME OF EASTERN PENNSYLVANIA,

Petitioner

v.

CENTERS FOR MEDICARE AND MEDICAID SERVICES;
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Respondents

On Petition for Review from on Order by the Secretary
of the Department of Health and Human Services
(No. 09-42)

Submitted January 27, 2011

Before: FUENTES, CHAGARES, and ROTH, Circuit Judges.

ORDER

On the Court's own motion, this Court's mandate issued on June 16, 2011 is hereby RECALLED. The parties' motions to publish, filed on August 31, 2011 and February 8, 2012, are hereby GRANTED, and this Court's not precedential opinion, filed February 11, 2011, is hereby VACATED. An amended precedential opinion shall be filed forthwith. The Clerk is directed to issue the mandate upon the filing of the amended precedential opinion.

/s/ Michael A. Chagares
Circuit Judge

DATED: August 14, 2012

trg/cc: Christopher S. Lucas, Esq.
Alan C. Horowitz, Esq.